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12 LAS VEGAS DEVELOPMENT GROUP, LLC

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

11 CAPITAL ONE, NATIONAL ASSOCIATION, )  
12 a national banking association, )  
13 Plaintiff, ) Case No. 2:15-cv-01436-JAD-PAL  
14 vs. )  
15 LAS VEGAS DEVELOPMENT GROUP, LLC, )  
16 a Nevada limited liability company; HIDDEN )  
16 CANYON HOMEOWNERS ASSOCIATION, )  
17 a Nevada non-profit corporation, )  
17 )  
18 Defendant. )

## **STIPULATION TO SUBSTITUTE PARTIES**

20 COMES NOW Defendant, LAS VEGAS DEVELOPMENT GROUP, LLC (“*LVDG*”),  
21 and Plaintiff, CAPITAL ONE, NATIONAL ASSOCIATION (“*Capital One*”), by and through  
22 their undersigned counsel, and hereby stipulate and agree as follows:

1. The instant action is primarily a Quiet Title/Declaratory Relief action related to  
2 real property commonly known as 3832 Dusty Glen Court, Las Vegas, Nevada  
3 89032, Assessor Parcel Number 139-09-113-003 (*the “Property”*). The Property  
4 was the subject of a homeowners association lien foreclosure sale (“*HOA*  
5 *Foreclosure Sale*”) conducted pursuant to NRS Chapter 116.

- 1       2. Capital One filed this action for the purpose of contesting the force and effect of
- 2       the HOA Foreclosure Sale upon a deed of trust recorded against the Property in
- 3       the Office of the Clark County Recorder in Book 20070619 as Document
- 4       0000869 (*"First Deed of Trust"*).
- 5       3. At the time that the instant action was filed on July 28, 2015, Capital One was
- 6       holder of the First Deed of Trust and LVDG was the holder of record title to the
- 7       Property.
- 8       4. Since that time, on or about March 7, 2017, LVDG conveyed the Property to
- 9       Airmotive Investments, LLC, a similarly owned entity, pursuant to a Grant Deed
- 10      recorded in the Office of the Clark County Recorder as Instrument No. 20170307-
- 11      00184. LVDG no longer claims any interest in the Property
- 12      5. In addition, on or about September 28, 2018, Wilmington Savings Fund Society,
- 13      FSB, as trustee of Stanwich Mortgage Loan Trust A acquired the loan secured by
- 14      the Deed of Trust from Capital One. Capital One no longer claims any interest in
- 15      the loan or Deed of Trust.
- 16      6. Airmotive Investments, LLC shall be substituted in the place and stead of LVDG
- 17      as the real party in interest in this action. LVDG shall be dismissed. All claims
- 18      and defenses raised by LVDG to date shall be deemed to equally apply to
- 19      Airmotive Investments, LLC.
- 20      7. Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan
- 21      Trust A shall be substituted in the place and stead of Plaintiff, Capital One, as the
- 22      real party in interest in this action. Capital One shall be dismissed. All claims
- 23      and defenses raised by Capital One to date shall be deemed to equally apply to
- 24      Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan
- 25      Trust A.
- 26      8. Airmotive Investments, LLC and Wilmington Savings Fund Society, FSB, as
- 27      trustee of Stanwich Mortgage Loan Trust A have agreed upon a settlement of this
- 28      matter as to the claims between them, which they are presently documenting.

1 Said parties expect to cause this action to be dismissed as soon as practicable.

2 9. This Stipulation is made in good faith and not for purpose of delay.

3 Dated this 25<sup>th</sup> day of January, 2019.

4 ROGER P. CROTEAU &  
5 ASSOCIATES, LTD.

6 BALLARD SPAHR LLP

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CAPITAL ONE, NATIONAL  
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12  
13 **IT IS SO ORDERED.**

14 **IT IS FURTHER ORDERED** that the parties shall have until **February 25, 2019** to file a  
15 stipulation to dismiss or a joint status report indicating when the stipulation to dismiss  
16 will be filed.

17 Dated: January 29, 2019



18 Peggy A. Leen  
19 United States Magistrate Judge

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25<sup>th</sup> day of January, 2019, I served via the United States District Court CM/ECF electronic filing system, the foregoing **STIPULATION TO SUBSTITUTE PARTIES** to the following parties:

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